

UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA RECEIVED
NORTHERN DIVISION

2007 JUL 12 P 2:23

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

SIXTEEN THOUSAND FIVE HUNDRED)

FIFTY TWO (\$16,552) DOLLARS IN)

UNITED STATES CURRENCY)

Defendant.)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:07cv514-WKW

July 12, 2007

VERIFIED CLAIM TO CONTEST FORFEITURE

COMES NOW the Claimant, Mr. Gerderrick Moncrief (hereinafter Mr. Moncrief) and presents as his Claim to Contest Forfeiture, the following:

1. Mr. Moncrief resides at 748 Ryefield Court, Montgomery, Montgomery County, Alabama. His social security number is 423-04-1408.
2. The United States of America, through the United States Attorney's Office, has filed a Verified Complaint for Forfeiture in Rem upon Mr. Moncrief. The Claimant was served, through his undersigned counsel, on or about July 5, 2007, and therefore this Claim is timely, according to 18 U.S.C. §983(a)(4)(A) and Supplemental Rule G(5).
3. On or about December 15, 2006, Mr. Moncrief was wrongfully charged with cases that are currently pending in Montgomery County Court. Pursuant to those charges, Mr. Moncrief's home was entered and searched by Montgomery Police Officers. During that search, certain assets were taken from Mr. Moncrief's home.
4. Certain assets, including the \$16,552 defendant currency, were seized on December 15, 2006, at Mr. Moncrief's residence, 748 Ryefield Court, Montgomery, Montgomery County,

Alabama. The assets were originally listed as Asset ID 07-DEA-478082, Case No. KI-05-0026. On March 2, 2007, Mr. Moncrief filed a claim with the Drug Enforcement Agency, to contest the forfeiture of these assets. His claim was then forwarded to the United States Attorney for the Middle District of Alabama.

5. Mr. Moncrief asserts that the defendant \$16,552 in United States currency was lawfully earned through his business, namely Step Yo Game Up, which sells premium automobile wheels and tires at 2501 Highland Avenue in Montgomery, Alabama. This money constituted a substantial portion of the gross receipts from his legitimate business, Step Yo Game Up, between December 4, 2006, and December 13, 2006.

6. The seized \$16,552 in U.S. currency was in Mr. Moncrief's coat pocket in a closet at his home, and would have deposited them into his account; however, he was delayed in making this deposit because of surgery he had on December 14, 2006. Before Mr. Moncrief could make the deposit, the \$16,552 was wrongfully removed from his home by Montgomery Police Officers.

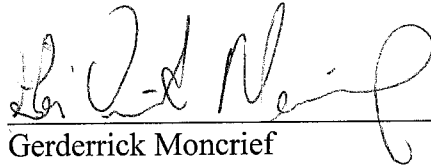
7. Attached hereto are receipts for merchandise for which the seized cash was received, totaling \$18,950 and sold by Mr. Moncrief's business. Mr. Moncrief certifies that these receipts were for sales of merchandise by his business from December 04, 2006, to December 13, 2006, the two week period prior to the seizure. The \$16,552 seized from Mr. Moncrief's home was a large portion of the cash received in these sales during this period.

8. The loss of this substantial portion of cash receipts has caused serious financial difficulty for Mr. Moncrief's business as he has had difficulty paying for new inventory and business expenses.

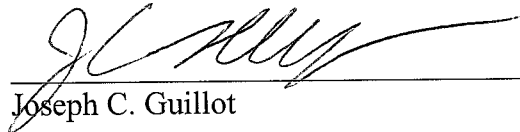
The foregoing considered, Mr. Moncrief requests the immediate return of his property, as the

loss of this money is adversely affecting his business.

I have read the foregoing Claim, and I swear, under the penalty of perjury, that it is true and accurate in every respect.


Gerderrick Moncrief
Claimant

Respectfully submitted, this the 12th day of July, 2007.


Joseph C. Guillot

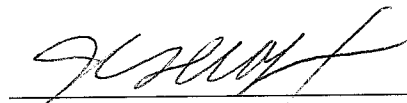
OF COUNSEL:
McPHILLIPS SHINBAUM, L.L.P.
P. O. Box 64
Montgomery, AL 36101
Telephone – (334) 262-1911
Facsimile – (334) 263-2321

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Claim via U.S. Mail, postage prepaid and properly addressed, upon the following counsel for the United States:

John T. Harmon, Esq.
Assistant United States Attorney
201 One Court Square (36104)
P.O. Box 197
Montgomery Alabama 36101-0197

This the 12th day of July, 2007 July 2007.


Of Counsel

AFFIDAVIT OF GERDERRICK MONCRIEF

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned Notary Public in and for the State of Alabama at Large, Gerderrick Moncrief, who is known to me and who, being duly sworn, deposes and says on oath and subject to the penalty of perjury, as follows:

1. My name is Gerderrick Moncrief, I am a resident of 748 Ryefield Court, Montgomery, Montgomery County, Alabama. My social security number is 423-04-1408. I am over the age of nineteen (19) years.

2. I am filing a Claim to Contest Forfeiture of \$16,552 that was wrongfully seized from my home. I am the lawful owner of \$16,552 in cash, which was seized during a wrongful search of my home at 748 Ryefield Court, Montgomery, Alabama, on December 15, 2006. The listed asset was in my coat pocket in my closet in my home.

3. I had surgery on the back of my head on December 14, 2006, the day before the search of my home. I had the \$16,552 cash at my home because I intended to deposit it in my business bank account, but failed to do because of the surgery and recovery from the surgery.

4. The cash in question was from the gross receipts from my legitimate business, Step Yo Game Up, which sells premium automobile wheels and tires. My business is located at 2501 Highland Avenue in Montgomery, Alabama.

5. Attached to my affidavit are copies of receipts for merchandise sold by my business. I certify that the attached are true and accurate copies of receipts for merchandise sold by my business from December 4, 2006 to December 13, 2006, during the two week period prior to the

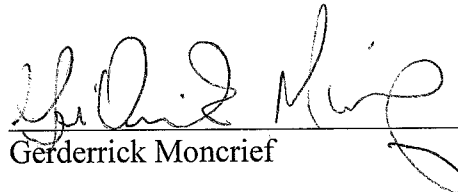
seizure. These receipts total \$18,950. The \$16,552 seized from my home was a substantial portion of the cash received in these sales during this period.

6. The loss of this substantial portion of cash receipts is causing serious financial difficulty for my business. I have had difficulty purchasing new inventory and paying business expenses.

7. I am due the return of the entire \$16,552 seized from my home on December 15, 2006, because this currency constitutes gross receipts from my legitimate business.

8. I do hereby solemnly swear, under penalty of perjury, that the foregoing is true and accurate in every respect.

Any further communication with me on this matter should be by and through my attorney, Joseph C. Guillot, at McPhillips Shinbaum, L.L.P., 516 S. Perry Street, Montgomery, Alabama 36104.

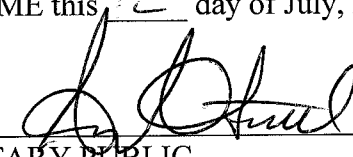

Gerderrick Moncrief

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Gerderrick Moncrief**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily, under oath and under the penalty of perjury, on this date.

SWORN TO AND SUBSCRIBED BEFORE ME this 12 day of July, 2007.


NOTARY PUBLIC

My Commission expires: 8/9/09

STEP YO GAME UP CUSTOMS

2501 Highland Ave.
Montgomery, AL 36107
334-356-1659 • Fax 334-356-1660

NAME Nicole Lockley
STREET ADDRESS 714 S Coliseum Blvd
CITY/STATE/ZIP Monty, AL 36109
BUSINESS PHONE (205) 245-1642 HOME PHONE

Our Memo To You — Your car needs this additional service:				STEP YO GAME UP CUSTOMS					
				2501 Highland Ave. Montgomery, AL 36107 334-356-1659 • Fax 334-356-1660	No.				
NAME Nicole Lockley				STREET ADDRESS 714 S Coliseum Blvd					
CITY/STATE/ZIP Montgomery, AL 36109				BUSINESS PHONE (334) 356-1659 HOME PHONE _____					
Engine		Chassis		Other		Brakes		Electrical	
<input type="checkbox"/> OIL CHANGE	<input type="checkbox"/> TUNE-UP	<input type="checkbox"/> LUBRICATION	<input type="checkbox"/> TRANSMISSION	<input type="checkbox"/> NEW SHOCKS	<input type="checkbox"/> WHEEL BALANCING	<input type="checkbox"/> NEW TIRES	<input type="checkbox"/> HOSES	<input type="checkbox"/> BATTERY	<input type="checkbox"/> IGNITION
<input type="checkbox"/> VALVE GRIND	<input type="checkbox"/> OVERHAUL	<input type="checkbox"/> REAR AXLE	<input type="checkbox"/> STEERING	<input type="checkbox"/> AIR CONDITIONING	<input type="checkbox"/> STRUTS	<input type="checkbox"/> CVC JOINT	<input type="checkbox"/>	<input type="checkbox"/> ADJUST	<input type="checkbox"/> WHEEL CYL
<input type="checkbox"/> CARBURETOR	<input type="checkbox"/> COOLING SYSTEM	<input type="checkbox"/> ALIGN FRONT END	<input type="checkbox"/> OVERHAUL FRONT END	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> RELINE	<input type="checkbox"/> BRAKE ROSE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
QUANTITY	PART #	DESCRIPTION	PRICE	VIN	TOTAL GENERAL LABOR—CARRY TO RIGHT COLUMN	GALLONS GAS	QUARTS OIL	LUBE	PINTS GEAR LUBE
4	WATER PUMP	WATER PUMP	\$150.00		PAID \$150.00				
4	NEXTON TIRES	NEXTON TIRES			PAID \$300.00				
					PAID \$50.00 PAID ON 12-11-06				
Total Accessories			\$150.00						
COMMENTS ON REPAIR NEEDS									
TOTAL LABORS HAVE 90-DAY WARRANTY									
LABOR & REPAIR HAS 30-DAY WARRANTY									
Once car is repaired, it must be picked up within 3 days or will be subject to a charge, or left on lot.									
I hereby authorize the above repair work to be done along with the necessary materials. You and your employees may operate above vehicle for purposes of testing, inspection, or delivery at my risk. An express mechanic lien is acknowledged on above vehicle to secure the amount of repairs thereto. It is also understood that you will not be held responsible for loss or damage to cars or articles left in care in case of fire, theft or any other cause beyond your control.									
SIGNATURE [Signature]									
NO REFUNDS ON SPECIAL ORDERS RECEIVED MAR -2 PM 3:34									
DEPOSIT WILL NOT BE REFUNDABLE ON LAY-AWAYS OVER 90 DAYS									

Our Memo To You — Your car needs this additional service:

- Engine**
☐ OIL CHANGE
☐ TUNE-UP
☐ VALVE GRIND
☐ OVERHAUL
☐ CARBURETOR
☐ COOLING SYSTEM
☐ BELTS
- Chassis**
☐ LUBRICATION
☐ TRANSMISSION
☐ REAR AXLE
☐ STEERING
☐ ALIGN FRONT END
☐ OVERHAUL FRONT END
- Other**
☐ NEW SHOCKS
☐ WHEEL BALANCING
☐ NEW TIRES
☐ HOSES
☐ TIRE ROTATION
☐ AIR CONDITIONING
☐ STRUTS
☐ CYC JOINT

- Electrical**
☐ IGNITION
☐ GENERATOR
☐ STARTER
- Brakes**
☐ ADJUST
☐ RELINE
☐ MASTER CYLINDER
- ☐ WHEEL CYL
☐ BRAKE HOSE

STEP YO GAME UP CUSTOMS

2501 Highland Ave.
 Montgomery, AL 36107
 334-356-1659 • Fax 334-356-1660

No.

NAME Michael Jones

STREET ADDRESS 315 Placie dr

CITY/STATE/ZIP Montg AL 36117

BUSINESS PHONE 294-7999 HOME PHONE 395-6247

WRITTEN BY <u>Brandon</u>		DATE <u>12-13-06</u>					
MAKE <u>Chev</u>	MODEL						
YEAR <u>2003</u>	COLOR <u>SWL</u>						
LICENSE <u>7905039</u>	MOTOR SIZE <u>24</u>						
SPEEDOMETER							
QUANTITY	PART #	DESCRIPTION	PRICE	VIN	LABOR	ESTIMATE ON REPAIR	LABOR
1	24x10						
4	315x35x24						
		Mounted & Balance					
		Locks & Lugs					
			3000.00				
			<u>PAID IN FULL</u>				
Total Accessories							
COMMENTS ON REPAIR NEEDS							
TOTAL GENERAL LABOR—CARRY TO RIGHT COLUMN							
ALL PARTS HAVE 90-DAY WARRANTY							
LABOR & REPAIR HAS 30-DAY WARRANTY							
Once car is repaired, it must be picked up within 30 days or will be subject to a charge, or left on lot.							
I hereby authorize the above repair work to be done along with the necessary materials. You and your employees may operate above vehicle for purposes of testing, inspection, or delivery at my risk. An express mechanic lien is acknowledged on above vehicle to secure the amount of repairs thereto. It is also understood that you will not be held responsible for loss or damage to cars or articles left in cars in case of fire, theft or any other cause beyond your control.							
SIGNATURE							
TOTAL							
TOTAL LABOR							
TOTAL PARTS							
ACCESSORIES							
TIRES & TUBES							
WRECKER SERVICE							
GAS, OIL, GREASE							
SUB-TOTAL							
TAX							
TOTAL							3000.00

RECEIVED
 SET FORWARDED SECTION
 1001 MAR -2 PM 3:34

- NO REFUNDS ON SPECIAL ORDERS
- IN STORE CREDIT ONLY
- DEPOSIT WILL NOT BE REFUNDED ON LAY-AWAYS
- OVER 90 DAYS
- NOT RESPONSIBLE FOR DAMAGE TO OVERSIZED WHEELS OR TIRES
- ALL IN STORE SALES ARE FINAL

